

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julia Vittore	Team: Squad #15	CCRB Case #: 202207139	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/20/2022 10:00 AM	Location of Incident: Bus stop at the intersection of Victory Boulevard and Perry Avenue	18 Mo. SOL 4/20/2024	Precinct: 120		
Date/Time CV Reported Mon, 10/24/2022 4:58 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 10/24/2022 4:58 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Matthew Panik	06368	961064	120 PCT
2. PO Edward Perez	07539	953236	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Matthew Panik	Abuse: Police Officer Matthew Panik threatened to remove § 87(2)(b) to the hospital.	
B. PO Matthew Panik	Abuse: Police Officer Matthew Panik refused to provide his name to § 87(2)(b)	
C. PO Matthew Panik	Abuse: Police Officer Matthew Panik refused to provide his shield number to § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On October 25, 2022, § 87(2)(b) filed this complaint with the CCRB via telephone.

On October 20, 2022, at approximately 10:00 a.m., at the bus stop located at the intersection of Victory Boulevard and Perry Avenue in Staten Island, Police Officer Matthew Panik threatened to handcuff § 87(2)(b) and escort her into an ambulance (**Allegation A: Abuse of Authority**, § 87(2)(g) Police Officer Panik allegedly refused to provide his name and shield number to § 87(2)(b) upon request (**Allegations B: Abuse of Authority**, § 87(2)(g) **Allegation C: Abuse of Authority**, § 87(2)(g) § 87(2)(b) was ultimately transported to § 87(2)(b) Medical Center by EMS personnel. § 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The investigation received body worn camera video captured by Police Officer Panik (Board Review 01 and 02).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Matthew Panik threatened to remove § 87(2)(b) to the hospital.

On October 31, 2022, § 87(2)(b) was interviewed by the CCRB (Board Review 03 and 04). On April 5, 2023, Police Officer Panik was interviewed by the CCRB (Board Review 05 and 06).

§ 87(2)(b) stated that she was looking out the window of her home located at § 87(2)(b) in Staten Island, when she observed her neighbor, § 87(2)(b) park his truck in front of her house and take a video recording of her and her property. § 87(2)(b) exited his vehicle and walked to his driveway across the street. § 87(2)(b) subsequently stood in the street in front of her house and took a video recording of § 87(2)(b) called § 87(2)(b) names and told her that she needed help. § 87(2)(b) placed a phone call, but § 87(2)(b) could not hear what he was saying. § 87(2)(b) subsequently walked to the bus stop located at the intersection of Victory Boulevard and Perry Avenue in Staten Island. As she was walking the bus stop, § 87(2)(b) asked her where she was going and told her he was going to call the police. § 87(2)(b) did not respond. § 87(2)(b) further stated that she never went onto § 87(2)(b) property at any point during the interaction.

While § 87(2)(b) was waiting at the bus stop, a marked police vehicle pulled up. Police Officer Panik exited the vehicle and asked § 87(2)(b) where she was going and if she had been yelling out her window at her neighbor. § 87(2)(b) recognized him from a prior incident that he responded to, also involving § 87(2)(b) § 87(2)(b) responded that she was upset that § 87(2)(b) parked in front of her house and took a video recording of her property. Police Officer Panik told § 87(2)(b) that she needed to wait at the bus stop for an ambulance to arrive. § 87(2)(b) asked why an ambulance had been called. Police Officer Panik told her that she had to be psychiatrically evaluated because she was standing in front of her neighbor's house yelling at him.

When the ambulance arrived on scene, Police Officer Panik told § 87(2)(b) that if she did not voluntarily get in the ambulance, he would have to place her in handcuffs and escort her inside. § 87(2)(b) responded that she was confused about why police were there and asked what she did. Police Officer Panik explained that her neighbor called the police to report her yelling on his property and

told her again that if she did not get in the ambulance, he would place her in handcuffs and escort her into the ambulance. At this point, § 87(2)(b) voluntarily entered the ambulance. She was then transported to the psychiatric ward at § 87(2)(b) Hospital. She went through intake and was evaluated by a doctor. § 87(2)(b) told the doctor about what transpired between herself and her neighbor. After being evaluated she was released the same day. § 87(2)(b) further stated that she was not placed in handcuffs at any point during the incident.

Police Officer Panik stated that he was familiar with § 87(2)(b) prior to the incident. The 120th Precinct receives frequent 311 calls on a near weekly basis from § 87(2)(b) neighbors making noise complaints against her and accusing her of yelling out her window at individuals in the neighborhood. He did not know whether § 87(2)(b) has been diagnosed with a mental health disorder by a physician.

He further stated that he was on patrol with Police Officer Perez when a 911 call came over the radio in regard to an EDP in the vicinity of § 87(2)(b) in Staten Island. Police Officer Panik and Police Officer Perez responded and spoke to the male complainant, one of § 87(2)(b) neighbors, who stated that § 87(2)(b) was screaming on his front lawn with a pair of scissors in her hand. By the time Police Officer Panik and Police Officer Perez arrived on scene § 87(2)(b) had already left the location. The complainant informed them that he observed § 87(2)(b) leave the block on foot following the incident.

Police Officers Panik and Perez canvassed the area in search of § 87(2)(b). They located her at a bus stop at the intersection of Victory Boulevard and Perry Avenue. Police Officer Panik and Police Officer Perez exited their vehicle and approached § 87(2)(b). Police Officer Panik asked her what transpired between her and her neighbor. § 87(2)(b) demeanor seemed paranoid, delusional, and angry. She was frantic and frequently raised her voice. She rambled continuously about how drug dealers in her neighborhood stole money from her in the 1970s, and an issue with the placement of fences on her property that were not in accordance with the property line. Police Officer Panik was extremely confused by her response and did not understand what § 87(2)(b) was talking about. The conversation indicated to him that § 87(2)(b) might not be mentally well and prompted him to call EMS to evaluate her mental state. Police Officer Panik did not feel as though § 87(2)(b) was a danger to herself or others at this time.

When EMS arrived on scene Police Officer Panik explained what transpired between § 87(2)(b) and her neighbor and informed them about his conversation with her. EMS personnel spoke to § 87(2)(b) and determined that she would have to be removed to the hospital for a psychiatric evaluation. Upon being informed that she would have to go to the hospital to be evaluated, § 87(2)(b) responded that she did not want to go. Police Officer Panik told her she could enter the ambulance and go to the hospital voluntarily, or he would have to place her in handcuffs and escort her, at which point § 87(2)(b) voluntarily entered the ambulance was transported to the hospital. Police Officer Panik further stated that § 87(2)(b) was not detained or placed in handcuffs at any point during the incident. Police Officer Panik denied forcibly removing § 87(2)(b) to the hospital and maintained that the decision to remove her came from EMS personnel on scene and that he is required to enforce their decision pursuant to NYPD Patrol Guide procedure.

Police Officer Panik's BWC video (Board Review 01 and 02) shows the conversation between Police Officer Panik and § 87(2)(b) prior to the ambulance arriving on scene. At 8:07, § 87(2)(b) asks Police Officer Panik, "You're not doing anything to me. I'm going to the courthouse at 11:30 I have an appointment, remote." At 8:23, § 87(2)(b) says, "You're not taking me to no hospital." At 8:30, Police Officer Panik responds to § 87(2)(b) "It's how the call came over, 911, that EMS has to come and just check you out. So just talk to EMS, OK?" § 87(2)(b) responds "OK." When the ambulance

arrives on scene, Police Officer Panik has a conversation with one of the EMTs. At 24:23, the EMT approaches Police Officer Panik, and they discuss what transpired prior to EMS arriving on scene, as well as § 87(2)(b) issues with her neighbors and her belief that her neighbors are constantly recording her. At 24:57, Police Officer Panik tells the EMT, "It never makes sense to be honest. That's why I was like, let you guys make the call." The EMTs then speak to § 87(2)(b). At 28:57, the female EMT says to § 87(2)(b) "Alright, dear, so let's go speak to the doctor." § 87(2)(b) responds, "I want to make my appointment, there is nothing wrong with me." At which point Police Officer Panik says to § 87(2)(b) "OK, ma'am, I'm going to make this very simple. You have to go. It's either you go willingly onto the bus or we're gonna have to put you in handcuffs and go. So, are you willing to get on the bus?" § 87(2)(b) says "OK, OK." At 30:58, § 87(2)(b) enters the ambulance.

Patrol Guide Procedure 221-13 (Board Review 07) defines an emotionally disturbed person as someone who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a uniformed member of service would reasonably believe is likely to result in serious injury to the individual or others. The procedure further states that should a uniformed member of service determine that an individual poses a danger to themselves or others, they are required to attempt to isolate and contain the individual until the arrival of Emergency Service Unit personnel.

Police Officer Panik's body worn camera video shows that he detained § 87(2)(b) at the bus stop by telling her she was not free to leave until EMS arrived to evaluate her. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Matthew Panik refused to provide his name to § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Matthew Panik refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) stated that prior to entering the ambulance, she asked Police Officer Panik for his name and shield number and that he did not provide the information to her upon request.

Police Officer Panik denied refusing to provide his name or shield number to § 87(2)(b)

Police Officer Panik's BWC video (Board Review 01 and 02) shows him providing his name and shield number to § 87(2)(b) as, "Officer Panik, shield number 6368," at 30:56. At no point in the video does § 87(2)(b) request Police Officer Panik's, or any other officer's, name, or shield number.

Due to the fact that BWC video captured of the incident indicates that § 87(2)(b) did not request Police Officer Panik's name and shield number as alleged, in addition to the fact that Police Officer Panik did in fact provide his name, rank and shield number to § 87(2)(b) upon the conclusion of the encounter, § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g), § 87(4-b)

[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- [illegible]

■ § 87(2)(b)

- Police Officer Panik has been a member of service for seven years and has been a subject in six CCRB complaints and ten allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Perez has been a member of service for ten years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- On February 22, 2023, this case was sent to mediation and on March 9, 2023, the case was returned to investigation as § 87(2)(b) and Police Officer Panik reached impasse after a one-hour discussion, at which point § 87(2)(b) requested that the complaint be returned to investigation.
- On April 6, 2023, a request was submitted to the New York City Office of the Comptroller for the record of a Notice of Claim filed in regard to this incident (Board Review 10).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 15

Investigator:	<u>Julia Vittore</u>	<u>Inv. Julia Vittore</u>	<u>04/19/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Owen Godshall</u>	<u>SI Owen Godshall</u>	<u>04/21/2023</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date